

REMARKS/ARGUMENTS

Applicant has carefully reviewed and considered the Office Action mailed on May 22, 2006, and the references cited therewith. Claim 19 is amended, no claims are canceled or added; as a result, claims 1-19 are now pending in this application.

Drawing Objections

The Examiner has objected to the drawings as being informal in nature. Accordingly, Applicant has provided a formal set of drawings herewith.

Claim Objections

Claims 9-18 were objected to because they were improperly labelled as "Original" rather than "Withdrawn" as they corresponded to a non-elected invention. Appropriate correction has been made.

Claim 19 was objected to for failing to provide antecedent basis for a claim limitation. The claim recited the limitation "the parallel optical transceiver packages which did not have antecedent basis. Appropriate correction has been made.

Double Patenting Rejections

Claim 19 was rejected under a non-statutory obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 7,035,521. Claims 1-8 were rejected under a non-statutory obviousness-type double patenting as being unpatentable over claims 1-13 of U.S. Patent No. 7,035,521 in view of Sauter et al U.S. 6,056,448. Claims 1-8 were rejected under a non-statutory obviousness-type double patenting as being unpatentable over claims 1-13 of U.S. Patent No. 7,035,521. Claim 19 was rejected under a non-statutory obviousness-type double patenting as being unpatentable over claims 1-13 of U.S. Patent No. 6,902,329 in view of Sauter et al. U.S. 6,056,448. Claims 1-8 were rejected under a non-statutory obviousness-type double rejection as being unpatentable over claims 6-13 of U.S. Patent No. 6,902,329 in view of Sauter et al. U.S. 6,056,448. Applicant respectfully traverses these double patenting rejections.

Applicant asserts that the rocker plate concepts claimed in claims 1 and 19 would not have been viewed as obvious to one of ordinary skill in the art because the rocker plate closes the device in a different manner, provides a different set of benefits to the opening closing action of the device, and provides a number of different forces than the spring design of the 7,035,521 Patent and the rotating clamping mechanism of the 6,902,239. Just as the differences between the spring design and the rotating clamping mechanism were deemed different and worthy of protection independently, so is the rocker plate concept claimed in the present application. The rocker plate is not a type of spring clamp and it is not a type of rotating clamp as described in the references cited and therefore, Applicant believes that those skilled in the art would not view it as an equivalent structure. Accordingly, Applicant respectfully requests reconsideration and withdrawal of these rejections.

§ 102 Rejection of the Claims

Claim 19 was rejected under 35 USC §102(b) as being anticipated by Dudek et al (U.S. Patent No. 6,767,141). Applicant respectfully traverses the rejection for the following reasons.

The Applicant's independent claim 19, as currently amended, recites in part a "means for securing the optoelectronic device against the electronic substrate." In rejecting independent claim 19, the Office Action stated that Dudek teaches a "means for securing the optoelectronic device (e.g. 12) against the electronic substrate (e.g. 22)." (Office Action, page 4.)

However, upon Applicant's review, the Dudek reference does not appear to describe a "means for securing the optoelectronic device against the electronic substrate" as recited in the Applicant's independent claim 19. Instead, the Dudek reference appears to describe "a lower cradle and cover... configured to encase a FSA or array block and to mechanically couple to a conventional MTP/MPO connector latch on one side, and to a two part VCSEL plate assembly on the other." (Dudek, column 3, lines 36-40.)

In other words, the Dudek reference appears to describe an integration of an optoelectronic device, but it does not appear to recite an electronic substrate secured against the optoelectronic device. Thus, the Dudek reference does not teach each element of claim 19 because the reference does not teach a “means for securing the optoelectronic device against an electronic substrate” as recited in the Applicant’s independent claim 19.

Additionally, the Examiner stated that the phrase “during the connection process” of claim 19 has not been given patentable weight because it comprises functional language. Accordingly, although Applicant may disagree with the Examiner on this point, in the interest of advancing this case to allowance, Applicant has removed the phrase from the claim.

For the reasons above, Applicant respectfully submits that the Dudek reference does not teach each and every element in the Applicant’s independent claim 19, as currently amended. As such, Applicant respectfully requests reconsideration and withdrawal of the 102(b) rejection for independent claim 19.

Allowable Subject Matter

The examiner has deemed claims 1-8 allowable. Applicant thanks the Examiner for his thoughtful consideration and allowance of these claims.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 236-0121 to facilitate prosecution of this matter.


CERTIFICATE UNDER 37 CFR §1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS AMENDMENT Commissioner of Patents, P.O. BOX 1450, Alexandria, VA 22313-1450 on this 22nd day of August, 2006.

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